

**MONDAY, MARCH 3, 2014**  
**FIFTIETH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Representative Dean.

Representative Dean led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 78

Representatives present were Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Spivey, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 78

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

All Representatives absent were excused due to the inclement weather.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 384** Rep(s). Holt as prime sponsor(s).

**House Bill No. 394** Rep(s). Butt and K. Brooks as prime sponsor(s).

**House Bill No. 1412** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 1672** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 1686** Rep(s). Rogers, Faison, Calfee, Durham, Powers, Matheny, T. Hill, Alexander, Dean, Van Huss, Ragan, H. Brooks, Travis, McDaniel, K. Brooks, Harrison, Eldridge,

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Lundberg, McManus, Sargent, Sexton, Hawk, Bailey, Wirgau, Tidwell, Parkinson, Coley and M. White as prime sponsor(s).

**House Bill No. 1739** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 2204** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 2267** Rep(s). Powell, Jernigan, Stewart and Fitzhugh as prime sponsor(s).

### PRESENT IN CHAMBERS

Rep(s). Parkinson was/were recorded as being present in the Chambers.

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 6, 2014:

**House Joint Resolution No. 743** -- Memorials, Recognition - 100th Anniversary of the Smith-Lever Act. by \*Holt.

**House Joint Resolution No. 744** -- Memorials, Sports - Trousdale High School Football Team, 2013 TSSAA 2A State Champions. by \*Weaver.

### SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 6, 2014:

**Senate Joint Resolution No. 596** -- Memorials, Retirement - David Watson. by \*Massey.

**Senate Joint Resolution No. 597** -- Memorials, Recognition - Leadership Knoxville. by \*Massey.

**Senate Joint Resolution No. 628** -- Memorials, Retirement - Chief Warrant Officer Five Karl H. Maier. by \*Green, \*Crowe.

**Senate Joint Resolution No. 629** -- Memorials, Retirement - Chief Warrant Officer Five Billy Cook, United States Army. by \*Green, \*Crowe, \*Gresham, \*Henry, \*Beavers, \*Bell, \*Bowling, \*Burks, \*Campfield, \*Dickerson, \*Finney, \*Ford, \*Gardenhire, \*Haile, \*Harper, \*Hensley, \*Johnson, \*Kelsey, \*Ketron, \*Massey, \*McNally, \*Niceley, \*Norris, \*Overbey, \*Southerland, \*Stevens, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Yager.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 1654** -- Tennessee Bureau of Investigation - As introduced, requires the Tennessee bureau of investigation to update the missing children registry to include information about rescued missing children. - Amends TCA Title 38, Chapter 6, Part 1. by \*Kelsey, \*Crowe. (HB1995 by \*Coley)

**\*Senate Bill No. 1664** -- Motor Vehicles, Titling and Registration - As introduced, prohibits law enforcement agencies and certain state departments from storing license plate records collected via automatic license plate readers for longer than two years. - Amends TCA Title 55, Chapter 10, Part 3. by \*Kelsey, \*Campfield. (HB2101 by \*Faison)

**Senate Bill No. 1754** -- Nurses, Nursing - As introduced, adds nurse practitioners to the list of deponents who are exempt from subpoena to trial but are subject to subpoena to deposition. - Amends TCA Section 24-9-101. by \*Green, \*Yager. (\*HB1556 by \*Favors)

**\*Senate Bill No. 1777** -- Game and Fish Laws - As introduced, prohibits the use of drones to interfere with private citizens who are lawfully hunting or fishing. - Amends TCA Title 70, Chapter 4, Part 3. by \*Bell, \*Bowling, \*Yager. (HB1952 by \*Matheny)

**Senate Bill No. 1919** -- Charitable Solicitations - As introduced, decreases the registration renewal fee for charitable organizations intending to solicit contributions from or within Tennessee. - Amends TCA Title 48, Chapter 101, Part 5. by \*Yager, \*Campfield. (\*HB1752 by \*Ragan, \*Lamberth, \*Goins, \*Haynes, \*Williams K, \*Butt, \*Evans, \*Shaw)

**Senate Bill No. 2285** -- Schools, Charter - As introduced, revises the provisions governing the revocation or nonrenewal of a public charter school agreement. - Amends TCA Title 49. by \*Dickerson. (\*HB1989 by \*White D)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2508** -- Burns -- House Local Government Committee

**House Bill No. 2509** -- Manchester -- House Local Government Committee

**House Bill No. 2510** -- Lewis County -- House Local Government Committee to House Finance, Ways & Means Committee

**House Bill No. 2511** -- Putnam County -- House Local Government Committee

CONSENT CALENDAR

**\*House Bill No. 1436** -- Parks, Natural Areas Preservation - As introduced, clarifies that part of Burgess Falls scenic recreation area is in White County instead of wholly within Putnam County; adds as natural scientific areas Lost Creek in White County and Window Cliffs in Putnam County. - Amends TCA Title 11, Chapter 14, Part 1. by \*McCormick, \*Travis, \*Brooks K, \*Bailey.

On motion, House Bill No. 1436 was made to conform with **Senate Bill No. 1642**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2138** -- Obion County - As introduced, subject to local approval, transfers juvenile court jurisdiction to the general sessions court of Obion County in the event that the office of juvenile court judge becomes vacant for any reason. - Amends Chapter 326 of the Private Acts of 1982; as amended. by \*Sanderson.

**House Bill No. 2296** -- Motor Vehicles, Titling and Registration - As introduced, changes the requirement for county clerks to remit fees associated with titling and registration the same day the application is filed to a monthly requirement. - Amends TCA Title 55. by \*Pitts.

On motion, House Bill No. 2296 was made to conform with **Senate Bill No. 2402**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1809** -- Courts - As introduced, clarifies how court clerks are to define and report criminal case data. - Amends TCA Title 16, Chapter 1 and Title 16, Chapter 2, Part 5. by \*Carter.

**House Bill No. 2443** -- State Symbols - As introduced, makes "Sandy," an ancient stone statue, the official state artifact. - Amends TCA Title 4, Chapter 1. by \*Pody.

**House Bill No. 1369** -- State Symbols - As introduced, designates the Honor and Remember flag as the official state symbol of remembrance to honor fallen military service members. - Amends TCA Title 4, Chapter 1, Part 3. by \*Johnson C, \*Carter.

On motion, House Bill No. 1369 was made to conform with **Senate Bill No. 1431**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1662** -- State Symbols - As introduced, designates the Watauga Fife and Drum Corps as the official state fife and drum corps. - Amends TCA Title 4, Chapter 1, Part 3. by \*Williams K, \*Hill T.

On motion, House Bill No. 1662 was made to conform with **Senate Bill No. 1784**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2090** -- State Government - As introduced, extends sunset date for Tennessee War of 1812 Bicentennial Commission from June 30, 2015, to November 30, 2015. - Amends Chapter 35 of the Public Acts of 2013. by \*McDaniel.

On motion, House Bill No. 2090 was made to conform with **Senate Bill No. 2346**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 1614** -- Sunset Laws - As introduced, extends the Tennessee fish and wildlife commission, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2 and Title 70, Chapter 1. by \*Matheny, \*Ragan.

On motion, House Bill No. 1614 was made to conform with **Senate Bill No. 1573**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1618** -- Sunset Laws - As introduced, extends the Tennessee heritage conservation trust fund board of trustees, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2 and Title 11, Chapter 7. by \*Matheny, \*Ragan.

**House Bill No. 1619** -- Sunset Laws - As introduced, extends the wastewater financing board, June 30, 2019. - Amends TCA Title 4, Chapter 29, Part 2 and Title 68, Chapter 221, Part 10. by \*Matheny, \*Ragan.

On motion, House Bill No. 1619 was made to conform with **Senate Bill No. 1584**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1620** -- Sunset Laws - As introduced, extends the local education insurance committee, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 8, Chapter 27, Part 3. by \*Matheny, \*Ragan.

**House Bill No. 1640** -- Sunset Laws - As introduced, extends the Tennessee board of judicial conduct, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2 and Title 17, Chapter 5, Part 2. by \*Matheny, \*Ragan.

**House Bill No. 1641** -- Sunset Laws - As introduced, extends the Tennessee corrections institute, board of control, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 41, Chapter 7, Part 1. by \*Matheny, \*Ragan.

On motion, House Bill No. 1641 was made to conform with **Senate Bill No. 1569**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1672** -- Sunset Laws - As introduced, extends the department of intellectual and developmental disabilities, June 30, 2018; clarifies requirements for background checks on persons who apply to work with persons receiving developmental disability services. - Amends TCA Title 4, Chapter 29; Title 4, Chapter 3 and Title 33, Chapter 2. by \*Matheny.

**\*House Bill No. 2204** -- Sunset Laws - As introduced, extends the council on children's mental health care, June 30, 2018. - Amends TCA Title 4, Chapter 29, Part 2 and Title 37, Chapter 3, Part 1. by \*Matheny.

On motion, House Bill No. 2204 was made to conform with **Senate Bill No. 2390**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 162** -- Memorials, Personal Occasion - Evelyn Robinson Hardin, 100th Birthday. by \*Favors.

**House Joint Resolution No. 719** -- Memorials, Retirement - Mayor Connie Ball of the City of Newport. by \*Faison.

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**House Joint Resolution No. 720** -- Memorials, Recognition - Destiny Moore, Middle Tennessee Boys and Girls Club Youth of the Year. by \*Durham, \*Casada, \*Sargent.

**House Joint Resolution No. 721** -- Memorials, Professional Achievement - Beverly Rudd, Tennessee Health Care Association's 2013 Caregiver of the Year. by \*Moody.

**House Joint Resolution No. 722** -- Memorials, Recognition - Jimmy Barber, Korean American Association. by \*Johnson C.

**House Joint Resolution No. 723** -- Memorials, Recognition - Pastor Dae H. Kang, Korean American Association. by \*Johnson C.

**House Joint Resolution No. 724** -- Memorials, Recognition - The Links Days on Capitol Hill. by \*Gilmore, \*Carr D.

**House Joint Resolution No. 725** -- Memorials, Sports - Campbell County High School football team. by \*Powers.

**House Joint Resolution No. 726** -- Memorials, Recognition - Nashville Amateur Radio Club, 80th anniversary. by \*Evans.

**House Joint Resolution No. 727** -- Memorials, Professional Achievement - Dr. Jennifer Hatcher and Mr. Chuck Yoest. by \*Casada.

**House Joint Resolution No. 728** -- Memorials, Retirement - Mike Culberson. by \*Casada, \*Durham, \*Sargent.

**House Joint Resolution No. 729** -- Memorials, Professional Achievement - Cindy Rule, Sevier County Secondary Teacher of the Year. by \*Carr D, \*Farmer.

**House Joint Resolution No. 730** -- Memorials, Professional Achievement - Heather Burkhart, Sevier County Middle Grades Teacher of the Year. by \*Carr D, \*Farmer.

**House Joint Resolution No. 731** -- Memorials, Professional Achievement - Sarah Cheek, Sevier County Primary Grades Teacher of the Year. by \*Carr D, \*Farmer.

**House Joint Resolution No. 732** -- Memorials, Death - James Atchley. by \*Carr D, \*Farmer.

**House Joint Resolution No. 733** -- Memorials, Professional Achievement - Dr. Gayle Hughes, Johnson City Schools High School Teacher of the Year. by \*Hill M, \*VanHuss.

**House Joint Resolution No. 734** -- Memorials, Professional Achievement - David Ollis, Middle School Teacher of the Year Johnson City Schools. by \*Hill M, \*VanHuss.

**House Joint Resolution No. 735** -- Memorials, Professional Achievement - Penny Reece-Wrigley, Johnson City Elementary School Teacher of the Year. by \*Hill M, \*VanHuss.

**House Joint Resolution No. 737** -- Memorials, Academic Achievement - Jefferson Middle School Science Bowl Team Regional Champions. by \*Ragan.

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**House Joint Resolution No. 738** -- Memorials, Academic Achievement - Oak Ridge High School Science Bowl Team Regional Champions. by \*Ragan.

**House Joint Resolution No. 739** -- Memorials, Recognition - 2014 Hostess Princess and Court of 61st annual World's Biggest Fish Fry. by \*Wirgau.

**House Joint Resolution No. 740** -- Memorials, Retirement - Doyle Thomas Grant. by \*Floyd.

**House Joint Resolution No. 741** -- Memorials, Sports - Aaron Templeton, cross country. by \*Kane.

**House Joint Resolution No. 742** -- Memorials, Death - Fred Tipton. by \*Swann, \*Ramsey.

**Senate Joint Resolution No. 584** -- Memorials, Academic Achievement - Katelyn Dagen, 2011 Millington Central High School Valedictorian. by \*Norris, \*Ford.

**Senate Joint Resolution No. 585** -- Memorials, Retirement - Robert Prosser, President of Bethel University. by \*Stevens, \*Finney .

**Senate Joint Resolution No. 587** -- Memorials, Recognition - First Tennessee, 150th anniversary. by \*Norris, \*Crowe, \*Ford, \*Massey.

**Senate Joint Resolution No. 588** -- Memorials, Recognition - American Society of Composers, Authors and Publishers, 100th year anniversary. by \*Crowe, \*Dickerson, \*Ford, \*Johnson, \*Tate.

**Senate Joint Resolution No. 592** -- Memorials, Sports - Blackman High School cheerleading squad, National Champions. by \*Ketron, \*Tracy.

**Senate Joint Resolution No. 594** -- Memorials, Death - Cassie Martin. by \*Hensley.

**Senate Joint Resolution No. 595** -- Memorials, Death - E.O. "Bozo" Shelton, Jr. by \*Hensley.

### OBJECTION--CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1809:** by Rep. Fitzhugh

**House Resolution No. 162:** by Rep. Fitzhugh

**House Joint Resolution No. 727:** by Rep. Casada

Under the rules, House Bill(s) No(s). 1809, House Resolution(s) No(s). 162 and House Joint Resolution(s) No(s). 727 were placed at the heel of the calendar for March 6, 2014.

Rep. Gilmore moved that all members voting aye on House Joint Resolution No. 724 be added as co-prime sponsors, which motion prevailed with the following members not added

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pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Pody, Ragan and Womick.

Rep. Floyd moved that all members voting aye on House Joint Resolution No. 740 be added as co-prime sponsors with the Hamilton County listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Pody, Ragan and Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	81
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 80

Representatives present and not voting were: Lynn -- 1

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. D. Carr voted “aye” on the **Consent Calendar**.

### REGULAR CALENDAR

**\*House Bill No. 1295** -- Criminal Offenses - As introduced, provides that a mother can be prosecuted for an assaultive offense or homicide if she illegally takes a narcotic drug while pregnant and the child is born addicted, is harmed, or dies because of the drug. - Amends TCA Title 39. by \*Weaver, \*Watson, \*Rich, \*DeBerry J, \*Womick, \*Lundberg, \*Rogers, \*Sexton, \*Bailey, \*Brooks H, \*Eldridge, \*McManus, \*Matheny, \*Roach, \*Shipley, \*Coley, \*Hardaway, \*Lollar, \*Floyd, \*Powers, \*Doss, \*Carter, \*Shepard, \*Todd, \*Lynn, \*Hawk, \*Spivey, \*Travis, \*Goins, \*Littleton, \*White M, \*Wirgau. (SB1391 by \*Tate)



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Further consideration of House Bill No. 1295 previously considered on February 10, 2014, at which time it was reset for today's Calendar.

Rep. Casada moved that House Bill No. 1295 be reset for the Regular Calendar on March 6, 2014, which motion prevailed.

**House Bill No. 1522** -- Pets - As introduced, moves the jurisdiction for issuance of orders to destroy dogs that attack humans from circuit court to general sessions court. - Amends TCA Title 44, Chapter 17. by \*Farmer. (\*SB1689 by \*Massey)

Rep. Farmer moved that House Bill No. 1522 be passed on third and final consideration.

Rep. Lundberg moved adoption of Civil Justice Committee Amendment No. 1 as follows:

### Amendment No. 1

AMEND House Bill No. 1522 by deleting the language "shall be given notice via certified mail or personal service" and by substituting instead the language "shall be given notice in accordance with Rule 4.01 of the Tennessee rules of civil procedure".

On motion, Civil Justice Committee Amendment No. 1, was adopted.

Rep. Farmer moved that **House Bill No. 1522**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	81
Noes.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 81

Representatives voting no were: Turner J -- 1

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from "no" to "aye" on **House Bill No. 1522** and have this statement entered in the Journal: Rep(s). J. Turner.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1411** -- Correction, Dept. of - As introduced, clarifies that the existing law relative to the clothing, transportation, and money of discharged inmates does not limit the commissioner of correction's ability or discretion to enact policies or undertake rehabilitative, anti-recidivism, or reentry assistance programs for probationers or parolees. - Amends TCA Section 41-21-219. by \*McCormick, \*Travis, \*Brooks K, \*Bailey. (SB1615 by \*Norris, \*Stevens, \*Ketron, \*Bowling, \*Burks)

Rep. Travis moved that **House Bill No. 1411** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 82  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 82

A motion to reconsider was tabled.

**\*House Joint Resolution No. 636** -- Naming and Designating - Rare Disease Day, February 28, 2014. by \*Calfee.

Rep. Calfee moved that House Joint Resolution No. 636 be held on the desk, which motion prevailed.

**House Bill No. 1739** -- Criminal Offenses - As introduced, adds a penalty provision to the current law which requires any person, firm, or entity towing a vehicle to notify local law enforcement prior to towing such vehicle; any violation is a Class A misdemeanor. - Amends TCA Section 55-16-105. by \*Hall. (\*SB1693 by \*Massey)

On motion, House Bill No. 1739 was made to conform with **Senate Bill No. 1693**; the Senate Bill was substituted for the House Bill.

Rep. Hall moved that Senate Bill No. 1693 be passed on third and final consideration.

Rep. Dean moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

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Rep. Hall moved that **Senate Bill No. 1693** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 80  
Noes ..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Wirgau, Womick, Madam Speaker Harwell -- 80

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

**\*House Bill No. 1948** -- Naming and Designating - As introduced, designates June 6 as "Transverse Myelitis Awareness Day". - Amends TCA Title 15. by \*Todd, \*Sparks, \*Roach. (SB2347 by \*Ketron)

Rep. Sexton moved that House Bill No. 1948 be reset for the Regular calendar on March 6, 2014, which motion prevailed.

**House Bill No. 1550** -- Banks and Financial Institutions - As introduced, removes prohibition that only a depository institution may own an electronic cash dispensing machine. - Amends TCA Title 45, Chapter 2. by \*Harrison. (\*SB1478 by \*Johnson)

On motion, House Bill No. 1550 was made to conform with **Senate Bill No. 1478**; the Senate Bill was substituted for the House Bill.

Rep. Harrison moved that Senate Bill No. 1478 be passed on third and final consideration.

Rep. McManus moved that Insurance and Banking Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Harrison moved that **Senate Bill No. 1478** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 82  
Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, 2939

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A motion to reconsider was tabled.

**House Bill No. 2267** -- Litter Control - As introduced, enhances the fine for the offense of aggravated criminal littering when the amount of litter exceeds 100 pounds in weight or 30 cubic feet in volume from no greater than \$2,500 to between \$2,500 and \$4,000. - Amends TCA Title 4, Chapter 7, Part 3; Section 5-1-115; Section 6-54-113; Title 7, Chapter 63, Part 2; Section 13-21-204; Title 39, Chapter 14, Part 5; Title 54, Chapter 1, Part 4 and Section 55-10-420. by \*Akbari, \*Favors, \*Miller, \*Cooper, \*Armstrong, \*Camper, \*Turner J, \*Hardaway, \*Gilmore, \*Stewart, \*Fitzhugh. (\*SB2150 by \*Tate)

Rep. Akbari moved that House Bill No. 2267 be passed on third and final consideration.

Rep. Cooper moved the previous question, which motion prevailed.

Rep. Akbari moved that **House Bill No. 2267** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	74
Noes.....	5
Present and not voting.....	2

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Calfee, Camper, Carr D, Carr J, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Jernigan, Johnson G, Jones, Keisling, Lamberth, Lollar, Love, Lundberg, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Turner J, Turner M, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 74

Representatives voting no were: Butt, Holt, Littleton, Lynn, Van Huss -- 5

Representatives present and not voting were: Carter, Travis -- 2

A motion to reconsider was tabled.

**\*House Bill No. 1541** -- Fiscal Review Committee - As introduced, removes requirement that fiscal note be done in 10 days from introduction of bill; requires fiscal note to be done once standing committee of either house places the bill on calendar. - Amends TCA Title 3, Chapter 2; Title 3, Chapter 7 and Section 4-56-107. by \*White M. (SB1762 by \*Ketrone)

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Rep. M. White moved that House Bill No. 1541 be passed on third and final consideration.

Rep. Haynes moved adoption of State Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1541 by deleting SECTION 2 of the printed bill and by redesignating the remaining SECTION accordingly.

On motion, State Government Committee Amendment No. 1, was adopted.

Rep. M. White moved that House Bill No. 1541 be reset for the Regular calendar on March 10, 2014, which motion prevailed.

**\*House Bill No. 1412** -- Correction, Dept. of - As introduced, establishes a filing deadline, of six months from the date that medical services are provided, for claims against the state relative to the payment of expenses for the medical care of prisoners; establishes a filing deadline, of six months from the date of entry of judgment of conviction, for claims against the state relative to the payment of costs incurred in the prosecution and safekeeping of criminal defendants. - Amends TCA Title 40, Chapter 25, Part 1 and Section 41-4-115. by \*McCormick, \*White M, \*Brooks K, \*Bailey. (SB1616 by \*Norris, \*McNally, \*Ketron, \*Bowling, \*Burks)

On motion, House Bill No. 1412 was made to conform with **Senate Bill No. 1616**; the Senate Bill was substituted for the House Bill.

Rep. M. White moved that Senate Bill No. 1616 be passed on third and final consideration.

Rep. Haynes moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. M. White moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1616 by deleting from SECTION 1 the language "4-25-1\_\_." and by substituting instead the language "40-25-1\_\_."

On motion, Amendment No. 2 was adopted.

Rep. Lollar moved the previous question, which motion prevailed.

Rep. M. White moved that **Senate Bill No. 1616**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	81
Noes.....	1

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Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Wirgau, Womick, Madam Speaker Harwell -- 81

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

**\*House Bill No. 1415** -- Prisons and Reformatory Institutions - As introduced, requires criminal records history checks for prospective employees of the Tennessee corrections institute. - Amends TCA Title 41, Chapter 7. by \*McCormick, \*Rogers, \*Brooks K. (SB1619 by \*Norris, \*Bowling)

Rep. Rogers requested that House Bill No. 1415 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1556** -- Nurses, Nursing - As introduced, adds nurse practitioners to the list of deponents who are exempt from subpoena to trial but are subject to subpoena to deposition. - Amends TCA Section 24-9-101.

Rep. Fitzhugh moved that House Bill No. 1556 be reset for the Regular Calendar on March 6, 2014, which motion prevailed.

**\*House Bill No. 2463** -- General Assembly - As introduced, authorizes the members of the general assembly to administer the official oath of office for any local public official. - Amends TCA Title 2; Title 3; Title 4; Title 5; Title 6; Title 7 and Title 8. by \*Lollar. (SB2513 by \*Niceley)

Rep. Lollar moved that **House Bill No. 2463** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell,

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Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 82

A motion to reconsider was tabled.

**\*House Bill No. 1701** -- Criminal Offenses - As introduced, creates offenses of use and possession of certain devices with the intent to commit, aid, or abet any criminal offense. - Amends TCA Title 39, Chapter 14, Part 1. by \*Lollar. (SB1959 by \*Bell)

Rep. Lollar moved that House Bill No. 1701 be passed on third and final consideration.

Rep. Shipley moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1701 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect July 1, 2014, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Lollar moved that **House Bill No. 1701**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 81  
Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Windle, Wirgau, Womick, Madam Speaker Harwell -- 81

A motion to reconsider was tabled.

**JOURNAL CORRECTION**

Without objection, the Speaker requested that the Journal reflect that Rep. Lamberth voted "aye" on **House Bill No. 1701**.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 250** -- Funeral Directors and Embalmers - As introduced, prohibits certain licensees in the funeral services industry from affiliating or engaging in other arrangements with certain health care institutions and organizations. - Amends TCA Title 47; Title 62, Chapter 5 and Title 68. by \*Lamberth, \*Forgety. (SB415 by \*Crowe)

Rep. Lamberth moved that House Bill No. 250 be passed on third and final consideration.

Rep. Marsh moved adoption of Business and Utilities Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 250 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-317(b), is amended by adding the following language as new, appropriately designated subdivisions:

(18) The applicant or licensee providing a monetary contribution in exchange for a business referral to any hospice providing hospice services as defined in § 68-11-201, or to any officer, administrator, board member, or employee of a hospice providing hospice services as defined in § 68-11-201;

(19) The applicant or licensee owning five percent (5%) or more of any hospice providing hospice services as defined in § 68-11-201; or

(20) The applicant or licensee entering into any type of ownership arrangement with any hospice providing hospice services as defined in § 68-11-201.

SECTION 2. Tennessee Code Annotated, Section 62-5-317, is amended by adding the following language as a new, appropriately designated subsection:

(c) Subdivisions (b)(18) through (20) shall not:

(1) Preclude a person or legal entity from giving a contribution to a hospice providing hospice services as defined in § 68-11-201; or

(2) Apply to persons serving on boards or within organizations for which the persons receive no direct compensation but may receive reimbursement for activities related to the organization.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to any arrangements in violation of this act entered into or renewed on or after the effective date of this act.



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On motion, Business and Utilities Committee Amendment No. 1 was adopted.

Rep. Lamberth moved that **House Bill No. 250**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 82

A motion to reconsider was tabled.

**\*House Bill No. 1686** -- Judgments - As introduced, provides that a civil judgment or restitution order converted to civil judgment is valid until paid in full rather than renewed every 10 years if the judgment is based upon injury or death caused by criminal conduct and the judgment debtor was convicted of a criminal offense for such conduct. - Amends TCA Title 28, Chapter 3, Part 1 and Title 40, Chapter 35, Part 3. by \*Carter, \*Swann, \*Keisling, \*Shipley, \*Womick, \*Lynn, \*Johnson C, \*Haynes, \*Marsh, \*Kane, \*Hall, \*Moody, \*Littleton, \*Spivey, \*Hill M, \*Casada, \*Williams R, \*Fitzhugh, \*Jones, \*Farmer, \*Lamberth, \*Lundberg, \*McManus, \*Sargent, \*Sexton, \*Hawk, \*Bailey, \*Wirgau, \*Tidwell, \*Parkinson, \*Coley, \*White M, \*White D. (SB1953 by \*Gardenhire)

Rep. Carter requested that House Bill No. 1686 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1750** -- Lottery, Charitable - As introduced, extends deadline for applications for 2014-2015 annual events for three days after effective date of act. - Amends TCA Title 3, Chapter 17, Part 1. by \*Goins. (\*SB1798 by \*Southerland)

On motion, House Bill No. 1750 was made to conform with **Senate Bill No. 1798**; the Senate Bill was substituted for the House Bill.

Rep. Goins moved that **Senate Bill No. 1798** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	79
Noes.....	1
Present and not voting.....	2

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry

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J, Durham, Eldridge, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 79

Representatives voting no were: Holt -- 1

Representatives present and not voting were: Dunn, Evans -- 2

A motion to reconsider was tabled.

**House Bill No. 1928** -- Tort Liability and Reform - As introduced, clarifies that a health care professional voluntarily providing health care services to a patient at a clinic that does not charge the patient or a third party receives the same immunity from liability as a health care professional providing services for a sponsoring organization that charges the patient based on a sliding income scale. - Amends TCA Title 63, Chapter 6, Part 7. by \*Goins, \*Hill T. (\*SB1674 by \*Southerland)

Rep. Goins moved that House Bill No. 1928 be passed on third and final consideration.

Rep. Lundberg moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1928 by adding the following language to the end of subdivision (5) in SECTION 1 of the bill:

Nothing shall preclude a health care provider from collecting the charges described in subdivision (4)(B) on behalf of the sponsoring organization as long as the health care provider retains none of the payment and forwards all collections to the sponsoring organization.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Lundberg moved adoption of Civil Justice Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1928 by deleting Section 2 of the bill in its entirety and renumbering the subsequent sections accordingly.

On motion, Civil Justice Committee Amendment No. 2 was adopted.

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Rep. Goins moved that **House Bill No. 1928**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 82  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 82

A motion to reconsider was tabled.

**\*House Bill No. 1410** -- Agriculture - As introduced, defines agriculture to include entertainment activities that occur on land where farm products and nursery stock are produced; requires that the Tennessee Right to Farm Act be construed broadly to effectuate its purposes. - Amends TCA Title 1, Chapter 3, Part 1; Title 43, Chapter 1, Part 1 and Title 43, Chapter 26, Part 1. by \*McCormick, \*Doss, \*Holt, \*Brooks K, \*Eldridge. (SB1614 by \*Norris)

Rep. Casada moved that House Bill No. 1410 be reset for the Regular calendar on March 10, 2014, which motion prevailed.

**\*House Bill No. 1487** -- Motor Vehicles - As introduced, allows any county that has imposed or imposes a wheel tax to either exempt antique vehicle owners from liability for the tax or require antique vehicle owners to pay the tax on a one-time only basis in lieu of paying the tax annually. - Amends TCA Section 5-8-102 and Section 55-4-111. by \*Bailey, \*Dean, \*Tidwell, \*Keisling. (SB1688 by \*Niceley, \*Bowling)

On motion, House Bill No. 1487 was made to conform with **Senate Bill No. 1688**; the Senate Bill was substituted for the House Bill.

Rep. Bailey moved that **Senate Bill No. 1688** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 79  
Noes..... 1  
Present and not voting..... 1

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers,

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Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Stewart, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 79

Representatives voting no were: Mitchell -- 1

Representatives present and not voting were: Camper -- 1

A motion to reconsider was tabled.

**\*House Joint Resolution No. 641** -- Naming and Designating - Designates "Home To Stay" by late Jasper N. Bailey as state veterans poem. by \*Williams R, \*Forgety, \*VanHuss, \*Ragan, \*Sargent, \*Camper, \*Shepard, \*Fitzhugh, \*Lundberg, \*DeBerry J, \*Alexander, \*Halford, \*Spivey, \*Matheny, \*Goins, \*Calfee, \*Shipley, \*Rogers, \*McCormick.

Rep. K. Brooks moved that House Joint Resolution No. 641 be reset for the Regular calendar on March 6, 2104, which motion prevailed.

**House Bill No. 384** -- Regional Authorities and Special Districts - As introduced, expands Carroll County watershed authority board of directors from six to eight members with the speaker of the senate and the speaker of the house of representatives each appointing one member. - Amends TCA Title 64, Chapter 1, Part 8. by \*Halford. (\*SB479 by \*Stevens)

On motion, House Bill No. 384 was made to conform with **Senate Bill No. 479**; the Senate Bill was substituted for the House Bill.

Rep. Halford moved that Senate Bill No. 479 be passed on third and final consideration.

Rep. Holt moved that Agriculture and Natural Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Halford moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 479 by deleting the language "twelve million" in Section 64-1-804(a)(7)(A) of SECTION 1 and substituting instead the language "twelve million dollars"

On motion, Amendment No. 2 was adopted.

Rep. Halford moved that **Senate Bill No. 479**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes.....	0
Present and not voting.....	1

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Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, DeBerry J, Dunn, Durham, Eldridge, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 78

Representatives present and not voting were: Evans -- 1

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 581** -- Memorials, Personal Achievement - Rebecca Hilleary, graduation. by \*Yager, \*Tracy, \*Ramsey.

Further consideration of Senate Joint Resolution No. 581 previously considered on February 27, 2014 at which time it was objected to and reset for today's Calendar.

Rep. Travis moved that the House concur in Senate Joint Resolution No. 581.

Rep. Travis moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Joint Resolution No. 581 by deleting the third and fourth preamble clauses and by substituting instead the following:

WHEREAS, through the Dual Enrollment program, Rebecca Hilleary earned eighty-five college credits and will receive her Associate's degree in pre-health before receiving her high school diploma; and

WHEREAS, since the age of five Rebecca has had a passion for pharmacy, which she will pursue at Campbell University where she has been accepted into the Master of Clinical Pharmaceutical Research program; and

On motion, Amendment No. 1 was adopted.

Rep. Travis moved that the House concur in **Senate Joint Resolution No. 581**, as amended, which motion prevailed by the following vote:

Ayes ..... 80  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock,

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McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 80

A motion to reconsider was tabled.

**\*House Bill No. 1415** -- Prisons and Reformatory Institutions - As introduced, requires criminal records history checks for prospective employees of the Tennessee corrections institute. - Amends TCA Title 41, Chapter 7. by \*McCormick, \*Rogers, \*Brooks K. (SB1619 by \*Norris, \*Bowling)

Further consideration of House Bill No. 1415, previously considered on today's Calendar.

Rep. Rogers moved that House Bill No. 1415 be reset for the Regular Calendar on March 6, 2014, which motion prevailed.

**\*House Bill No. 1686** -- Judgments - As introduced, provides that a civil judgment or restitution order converted to civil judgment is valid until paid in full rather than renewed every 10 years if the judgment is based upon injury or death caused by criminal conduct and the judgment debtor was convicted of a criminal offense for such conduct. - Amends TCA Title 28, Chapter 3, Part 1 and Title 40, Chapter 35, Part 3. by \*Carter, \*Swann, \*Keisling, \*Shipley, \*Womick, \*Lynn, \*Johnson C, \*Haynes, \*Marsh, \*Kane, \*Hall, \*Moody, \*Littleton, \*Spivey, \*Hill M, \*Casada, \*Williams R, \*Fitzhugh, \*Jones, \*Farmer, \*Lamberth, \*Lundberg, \*McManus, \*Sargent, \*Sexton, \*Hawk, \*Bailey, \*Wirgau, \*Tidwell, \*Parkinson, \*Coley, \*White M, \*White D. (SB1953 by \*Gardenhire)

Further consideration of House Bill No. 1686 previously considered on today's Calendar.

Rep. Carter moved that House Bill No. 1686 be reset for the Regular Calendar on March 6, 2014, which motion prevailed.

## MESSAGE CALENDAR

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 394** -- Local Government, General - As introduced, rewrites the Community Gardening Act and makes certain changes to empower local governments to establish community gardens as well as encourage participation in gardening and eating garden produce. - Amends TCA Title 5; Title 6; Title 7; Title 43; Title 49; Title 67 and Title 71. by \*Hardaway, \*Shaw, \*Gilmore, \*Stewart, \*Dunn, \*Parkinson, \*Jones, \*Faison, \*Hill M, \*Hall, \*Turner M, \*VanHuss, \*McDaniel, \*Camper, \*Love, \*Cooper, \*Towns, \*Johnson G, \*Lynn, \*Turner J, \*Harwell, \*Powell, \*Eldridge, \*Favors, \*Williams K, \*Lollar, \*Todd, \*Williams R, \*McManus, \*Hawk, \*Keisling, \*DeBerry J, \*Harrison, \*Carr J, \*Doss, \*Carr D, \*Halford, \*Brooks H, \*Lundberg, \*Jernigan, \*Odom, \*McCormick, \*Fitzhugh, \*Pitts, \*Lamberth, \*Windle, \*Rich, \*Casada, \*Matheny, \*White M, \*Holt, \*Kane, \*Mitchell, \*Marsh, \*Sparks. (\*SB300 by \*Niceley, \*Bowling, \*Norris)

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**Senate Amendment No. 1**

AMEND House Bill No. 394 By deleting all of the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 24, Part 1, is amended by deleting the part in its entirety and by substituting instead the following:

43-24-101. This part shall be known and may be cited as the "Tennessee Community Gardening Act".

43-24-102. As used in this part, unless the context otherwise requires:

(1) "Community garden" means a piece of real property, either on vacant public land or on private land, cultivated by residents of a neighborhood or community, or members of a homeowners or condominium owners association for the purpose of providing vegetables, nuts, herbs, fruit or flowers, whether by means of cultivating annual, biennial or perennial plants, or trees, for use of residents of the neighborhood or community or members of the homeowners or condominium owners association;

(2) "Grand-mentoring" means collaborative projects between persons sixty (60) years of age or older and students in kindergarten through twelfth (K-12) grade;

(3) "Local government" means any municipality, county or metropolitan government;

(4) "Use" means, when applied to gardening, to make use of, without conveyance of title or any other ownership; and

(5) "Vacant public land" means any land owned by a local government that is not in use for public purposes.

43-24-103.

(a)

(1)

(A) It is the intent of this part to create authority for local governments to promote healthy eating and active living in their community by encouraging and supporting

community gardens. In furtherance of this intent, local governments are authorized to establish community gardening programs.

(B) Any local government may allow and encourage the use of vacant public land for community gardening under terms and conditions established by ordinance in the case of municipalities and metropolitan governments and resolution in the case of counties. These local regulations may include, in addition to other requirements:

(i) A requirement for a permit for which a reasonable permit fee may be charged;

(ii) A requirement that the permittee provide security in the form of a refundable deposit or otherwise for proper clean-up of the community garden after harvest is completed;

(iii) A requirement that the permittee possess liability insurance and accept liability for any injury or damage resulting from use of vacant public land for community gardening; and

(iv) A requirement that the permittee indemnify and save harmless the local government and its officers, agents and employees against suits and claims of liability arising out of, or in consequence of, the use of vacant public land.

(2) Any local government may establish a program, with the cooperation and assistance of the county agricultural extension agent, for the ready identification of vacant public land available for community gardening.

(3) Any local government may assist in the development of community gardens on vacant public land or on private property by expending funds and providing use of materials and equipment for these purposes, and these expenditures and uses shall be considered a valid public purpose.

(4) Any owner of private land, including, but not limited to, individuals, corporations, partnerships, sole proprietorships, homeowner associations, condominium associations and other private property owners may make available to the local government parcels of land for community gardening under terms and conditions agreed upon between the local government and the owner.



(b) If there is a shortage of parcels or space for community gardening, first priority in the allotment of public land should be given to grand-mentoring and second priority in the allotment of public land should be given to persons sixty (60) years of age or older and persons whose gross annual income is equal to or less than the poverty guidelines published annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. § 9909(2).

(c) Community gardens located on private property and operated without the intervention of a local government are not subject to the permitting, security, insurance and indemnification requirements authorized in subdivision (a)(1)(B), but these and other provisions may be agreed upon by the parties. Community gardens located on private property shall comply with applicable state and local regulations relative to nuisances, property maintenance and the health, safety and welfare of the public.

43-24-104.

It is the policy of the state to encourage community gardening on both public and private property, and to that end this part shall be liberally construed. Local governments, homeowner or condominium associations, neighborhood or community associations, and private property owners are urged to expedite the use of vacant or unused real property under their control for community gardening to the furthest extent practicable.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new, appropriately designated section:

49-6-10\_\_\_. In cooperation and consultation with the department of health and the department of finance and administration, the state board of education shall develop and implement a program to promote the participation of students in kindergarten through twelfth (K-12) grade in the development and maintenance of community gardens, as defined in § 43-24-102. Such program may include, but is not limited to, offering elective credits for students' participation in community gardening.

SECTION 3. Tennessee Code Annotated, Section 67-5-2509(d), is amended by adding the following as a new subdivision:

(6) In lieu of the sale to private purchasers as provided in subsection (b), the proper officers of the municipality or county may convey real property suitable for community gardening, as defined in § 43-24-102, to a private nonprofit entity that meets all conditions specified in this subdivision (d)(6), on any terms deemed appropriate to the officers:

(A) The entity is certified as a tax exempt entity under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3));

(B) The entity is qualified to operate and maintain a community garden in the judgment of the officers of the municipality or county; and

(C) Any interest in or use of real property conveyed pursuant to this subdivision (d)(6) shall revert to the municipality or county if the entity, or a successor nonprofit entity that meets all of the conditions of this subdivision (d)(6), ceases to operate and maintain a community garden on the property.

SECTION 4. Tennessee Code Annotated, Section 67-6-301, is amended by adding the following as a new subsection:

(d) The gross proceeds derived from the sale in this state of products that are grown or produced in a community garden, as defined in § 43-24-102, in any calendar year, directly from a representative of the community garden, are exempt from the tax levied by this chapter.

SECTION 5. Tennessee Code Annotated, Section 71-2-105(a), is amended by adding the following as new, appropriately designated subdivision:

( ) Make available to older persons information concerning the nutritional benefits of eating garden produce to promote participation by older persons in community gardens, as defined in § 43-24-102.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Ragan moved the previous question, which motion prevailed.

Rep. Hardaway moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 394**, which motion prevailed by the following vote:

Ayes ..... 79  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell  
-- 79

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Joint Resolution No. 676** -- Memorials, Professional Achievement - Jimmy Hammock 33rd International Immediate Past President of Phi Beta Sigma. by \*Armstrong.

Rep. Armstrong moved that House Joint Resolution No. 676 be held on the desk, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1243** -- Liens - As introduced, redefines owner for purposes of mechanics' and materialmen's liens to specify that an owner is an owner of real property that a lien claimant seeks to attach or sell under process. - Amends TCA Title 66, Chapter 11. by \*Floyd, \*Hardaway. (SB1372 by \*Gardenhire)

Rep. Floyd moved that House Bill No. 1243 be reset for the Message calendar on March 6, 2014, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1611** -- Sunset Laws - As introduced, extends the Tennessee dairy promotion committee, June 30, 2020. - Amends TCA Title 4, Chapter 29, Part 2 and Title 44, Chapter 19, Part 1. by \*Matheny, \*Ragan. (\*SB1571 by \*Bell)

**Senate Amendment No. 1**

AMEND House Bill No. 1611 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-235(a), is amended by deleting subdivision (58) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-236(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Tennessee dairy promotion committee, created by § 44-19-114;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

## MONDAY, MARCH 3 2014 – FIFTIETH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Matheny moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1611**, which motion prevailed by the following vote:

Ayes ..... 81  
Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 81

A motion to reconsider was tabled.

### UNFINISHED BUSINESS

#### RULES SUSPENDED

Representative K. Brooks moved that the rules be suspended to allow **House Bill No. 331** to be heard in the Criminal Justice Subcommittee this week.

Without object, it was so ordered.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 291** Rep(s). Jones, Akbari, Camper, Johnson G, Shaw, Cooper, Stewart, Turner J, Powell, Hardaway and Jernigan as prime sponsor(s).

**House Bill No. 331** Rep(s), Shipley as prime sponsor(s).

**House Bill No. 1216** Rep(s). Dunn as prime sponsor(s).

**House Bill No. 1667** Rep(s). Eldridge, Hall, Travis, Powers, M. Hill, Tidwell and Casada as prime sponsor(s).

**House Bill No. 1697** Rep(s). H. Brooks, M. White and Forgety as prime sponsor(s).

**House Bill No. 1721** Rep(s). Jones, Akbari, Camper, Johnson G, Shaw, Cooper, Stewart, Turner J, Powell, Hardaway and Jernigan as prime sponsor(s).

**MONDAY, MARCH 3 2014 – FIFTIETH LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Bill No. 1722** Rep(s). Jones, Akbari, Camper, Johnson G, Shaw, Cooper, Stewart, Turner J, Powell, Hardaway and Jernigan as prime sponsor(s).

**House Bill No. 1723** Rep(s). Jones, Akbari, Camper, Johnson G, Shaw, Cooper, Stewart, Turner J, Powell, Hardaway and Jernigan as prime sponsor(s).

**House Bill No. 2005** Rep(s). Jones, Akbari, Tidwell, Camper, Johnson G, Shaw, Cooper, Stewart, Turner J, Powell, Hardaway and Jernigan as prime sponsor(s).

**House Bill No. 2385** Rep(s). Casada as prime sponsor(s).

**House Bill No. 2482** Rep(s). T. Hill as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Dennis was/were removed as sponsor(s) of **House Bill No. 331**.

On motion, Rep(s). Lynn was/were removed as sponsor(s) of **House Bill No. 1216**.

On motion, Rep(s). Alexander was/were removed as sponsor(s) of **House Bill No. 2482**.

**ENGROSSED BILLS  
March 3, 2014**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2443;

GREG GLASS, Interim Chief Engrossing Clerk

**ENGROSSED BILLS  
March 3, 2014**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 1411 and 1522.

GREG GLASS, Interim Chief Engrossing Clerk

**ENGROSSED BILLS  
March 3, 2014**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 250;

GREG GLASS, Interim Chief Engrossing Clerk

**ENGROSSED BILLS**

**March 3, 2014**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 1701, 1928, 2267 and 2463.

GREG GLASS, Interim Chief Engrossing Clerk

**SIGNED**

**March 3, 2014**

The Speaker announced that she had signed the following: House Bill(s) No(s). 1409 and 1708.

GREG GLASS, Interim Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**March 3, 2014**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1619 and 1953; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1619** -- Prisons and Reformatory Institutions - As introduced, requires criminal records history checks for prospective employees of the Tennessee corrections institute. - Amends TCA Title 41, Chapter 7. by \*Norris, \*Bowling. (\*HB1415 by \*McCormick, \*Rogers, \*Brooks K)

**Senate Bill No. 1953** -- Judgments - As introduced, provides that a civil judgment or restitution order converted to civil judgment is valid until paid in full rather than renewed every 10 years if the judgment is based upon injury or death caused by criminal conduct and the judgment debtor was convicted of a criminal offense for such conduct. - Amends TCA Title 28, Chapter 3, Part 1 and Title 40, Chapter 35, Part 3. by \*Gardenhire. (\*HB1686 by \*Carter, \*Swann, \*Keisling, \*Shipley, \*Womick, \*Lynn, \*Johnson C, \*Haynes, \*Marsh, \*Kane, \*Hall, \*Moody, \*Littleton, \*Spivey, \*Hill M, \*Casada, \*Williams R, \*Fitzhugh, \*Jones, \*Farmer, \*Lamberth, \*Lundberg, \*McManus, \*Sargent, \*Sexton, \*Hawk, \*Bailey, \*Wirgau, \*Tidwell, \*Parkinson, \*Coley, \*White M, \*White D)

**ROLL CALL**

The roll call was taken with the following results:

Present..... 81

Representatives present were Akbari, Alexander, Armstrong, Bailey, Brooks H, Brooks K, Butt, Calfee, Camper, Carr D, Carr J, Carter, Casada, Coley, Cooper, Dean, DeBerry J, Dunn, Durham, Eldridge, Evans, Faison, Farmer, Fitzhugh, Floyd, Forgety, Gilmore, Goins, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill M, Hill T, Holt, Jernigan, Johnson G, Jones, Keisling, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McDaniel, McManus, Mitchell, Odom, Parkinson, Pody, Powell, Powers, Ragan, Ramsey, Roach, Rogers, Sanderson, Sargent, Sexton, Shaw, Shipley, Spivey, Swann, Tidwell, Travis, Turner J, Turner M, Van Huss, White D, White M, Williams K, Windle, Wirgau, Womick, Madam Speaker Harwell -- 81

**RECESS**

On motion of Rep. K. Brooks the House stood in recess until 9:00 a.m., Thursday, March 6, 2014.